

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Nicole Elizabeth Kuehn,

Plaintiff,

v.

Case No. 18-10369

Commissioner of Social Security,

Sean F. Cox

United States District Court Judge

Defendant.

ORDER ADOPTING
9/25/18 REPORT AND RECOMMENDATION

Plaintiff Nicole Elizabeth Kuehn filed this action under 42 U.S.C. § 405(g), challenging a final decision of the Commissioner denying her application for Disability Insurance Benefits and Supplemental Security Income under the Social Security Act. The matter was referred to Magistrate Judge David R. Grand for determination of all non-dispositive motions under 28 U.S.C. § 636(b)(1)(A) and issuance of a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Thereafter, the parties filed cross-motions for summary judgment.

In a Report and Recommendation (“R&R”) issued on September 25, 2018, Magistrate Judge Grand “recommends that the Commissioner’s Motion for Summary Judgment (Doc. #18) be DENIED, Kuehn’s Motion for Summary Judgment (Doc. #16) be GRANTED IN PART to the extent it seeks remand and DENIED IN PART to the extent it seeks an award of benefits, and that, pursuant to sentence four of 42 U.S.C. § 405(g), this case be REMANDED to the ALJ for further proceedings consistent with this Recommendation.” (R&R at 1).

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a

matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. “The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge’s disposition to which specific written objection has been made.” *Id.*

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed objections to the R&R.

The Court hereby ADOPTS the September 25, 2018 R&R. IT IS FURTHER ORDERED that the Commissioner’s Motion for Summary Judgment is DENIED.

IT IS FURTHER ORDERED that Plaintiff’s Motion for Summary Judgment is GRANTED IN PART, to the extent it seeks remand, and DENIED IN PART, to the extent it seeks an award of benefits. IT IS FURTHER ORDERED that, pursuant to sentence four of 42 U.S.C. § 405(g), this case is REMANDED to the ALJ for further proceedings consistent with the September 25, 2018 R&R.

IT IS SO ORDERED.

s/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: October 10, 2018

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 10, 2018, by electronic and/or ordinary mail.

s/Jennifer McCoy
Case Manager